

Docket No.: COS97087

THE UNITED STATES PATENT AND TRADEMARK OFFICE

#42

Applicant(s): BARRY et al.

Confirmation No.: 5454

Serial No.: 09/159,695

Art Unit: 2143

Filed: September 24, 1998

Examiner: B. Jaroenchonwanit

Title: Integrated Business System for Web Based Telecommunication Management

PETITION UNDER 37 C.F.R. § 1.47(a)

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DEC 1 6 2003

Technology Center 2100

Commissioner of Patents and Trademarks
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated July 9, 2003, Applicants have prepared and filed concurrently herewith an Amendment, Petition And Fee To Add Original Erroneously Not Named Inventor(s) In Non-Provisional Application Declaration (37 C.F.R. § 1.48(a)). According to 37 C.F.R. § 1.48(a), a Declaration executed by the original inventors and the newly-added must be submitted along with the Petition to add the erroneously not named inventor. However, Inventors DeRose, Gonzales and Levy appear either unwilling or unable to cooperate with the furthering prosecution of the above-noted application. Therefore, this Petition Under 37 C.F.R. § 1.47(a) is being submitted in lieu of the Declaration executed by Inventors DeRose, Gonzales and Levy.

The undersigned is requesting reconsideration of the petition under the provisions of 37 C.F.R. § 1.47(a) and is submitting the following on behalf of the assignee, MCI Communications Corporation.

Inventor DeRose

On November 21, 2003, a *bona fide* attempt was made to present a copy of the above-referenced application (specification and claims as currently amended, drawings, oath or declaration) via Federal Express courier to Mr. DeRose at his home address. A copy of the cover letter, Declaration and Federal Express Tracking Results: Detail is attached herewith (Exhibit A). The letter stipulates a response due date of December 8, 2003. MPEP 409.03(d)

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OFFICE OF PETITIONS

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01 FC:1460 130.00 DA

12/16/2003 MDAHTE1 00000081 09159695
02 FC:1051 130.00 DA

On December 4, 2003, the package to Mr. DeRose was returned to sender (the undersigned), after several attempts by Federal Express courier service to deliver the package.

The last known address for Mr. Eric DeRose is as follows:

3151 Anchorway Court #H
Falls Church, VA 22042

Inventor Gonzales

On November 21, 2003, a *bona fide* attempt was made to present a copy of the above-referenced application (specification and claims as currently amended, drawings, oath or declaration) via Federal Express courier to Mr. Gonzales at his home address. A copy of the cover letter, Declaration and Federal Express Tracking Results: Detail is attached herewith (Exhibit B). The letter stipulates a response due date of December 8, 2003. MPEP 409.03(d)

This Petition is being submitted on December 9, 2003, which is after the date stipulated in the November 21, 2003, letter.

The last known address for Mr. Mark N. Gonzales is as follows:

9158 Pristine Court
Manassas, VA 20110

Inventor Levy

On November 21, 2003, a *bona fide* attempt was made to present a copy of the above-referenced application (specification and claims as currently amended, drawings, oath or declaration) via Federal Express courier to Ms. Levy at his home address. A copy of the cover letter, Declaration and Federal Express Tracking Results: Detail is attached herewith (Exhibit C). This letter stipulates a response due date of December 8, 2003. MPEP 409.03(d)

This Petition is being submitted on December 9, 2003, which is after the date stipulated in the November 21, 2003, letter.

The last known address for Ms. Lynne Levy is as follows:

2514 Iron Forge Road
Herndon, VA 20171

Each of the available joint inventors, B. Reilly Barry, Mark A. Chodoronek, Angela R. James, Michael Tusa and Carol Y. Devine (newly-added) has executed a Declaration and Power of Attorney on his/her own behalf as required by 37 CFR § 1.63 (Exhibit D). This Declaration signed by the available inventors with signature blocks for Eric DeRose, Mark N. Gonzales and Lynne Levy, the nonnsigning inventors, should be treated as having been signed by all the available inventors on behalf of the nonsigning inventors. MPEP 409.03(a)

Lynne Levy, the nonsigning inventors, should be treated as having been signed by all the available inventors on behalf of the nonsigning inventors. MPEP 409.03(a)

The undersigned believes that the application should be granted status under 37 CFR 1.47(a) and be allowed to proceed with or without the cooperation of Mr. DeRose, Mr. Gonzales or Ms. Levy.


A petition fee of \$130.00 and late filing surcharge of \$130.00 is hereby authorized to be charged to Deposit Account 13-2491. Any other fees under 37 CFR 1.16 or 1.17 required to avoid abandonment of this Application are also hereby authorized to be charged to Deposit Account 13-2491.

In view of the fact that a *bona fide* attempt was made to deliver to Mr. DeRose a copy of the application (specification and claims as currently amended, drawings, oath or declaration), that Mr. Gonzales and Ms. Levy have each received a copy of the application (specification and claims as currently amended, drawings, oath or declaration) but have not contacted the undersigned by the date specified in the November 21, 2003 letters, that the Declaration executed by the available inventors is an acceptable Declaration under 37 C.F.R. § 1.63, that the appropriate petition fee under 37 CFR § 1.17(h) is provided, and that the last known addresses of Mr. DeRose, Mr. Gonzales or Ms. Levy have been provided, the granting of this Petition is respectfully requested.

Respectfully submitted,

Date:

12/9/2003


Eden U.I. Stright
Registration No. 51,205

WorldCom, Inc.
Technology Law Dept.
1133 19th Street, N.W.
Washington, DC 20036
(202) 736-6008

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OFFICE OF PETITIONS



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UNITED STATES PATENT AND TRADEMARK OFFICE

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Title: Integrated Business System for Web Based Telecommunication Management

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**AMENDMENT, PETITION AND FEE TO
ADD ORIGINAL ERRONEOUSLY NOT NAMED
INVENTOR (S) IN NON-PROVISIONAL APPLICATION DECLARATION
(37 C.F.R. §1.48(a))**

Technology Center 2100

Commissioner of Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

MAILING CERTIFICATE UNDER 37 C.F.R. §1.8(a)

I hereby certify that the correspondence noted hereon is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on 12-9-03.

Pania Butcher
Pania Butcher

NOTE: "If the inventive entity is set forth in error in an executed § 1.63 oath or declaration in an application, other than a reissue application, and such error arose without any deceptive intention of the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the application may be amended to name only the actual inventor or inventors." 37 C.F.R. § 1.48(a)

NOTE: 37 C.F.R. § 1.48(f) states: "If the correct inventor or inventors are not named on filing a non-provisional application under § 1.53(b) without an executed oath or declaration under § 1.63, the later submission of an executed oath or declaration under § 1.63 during the pendency of the application will act to correct the earlier identification of inventorship."

"(2) If the correct inventor or inventors are not named on filing a provisional application without a cover sheet under § 1.51(c)(1), the later submission of a cover sheet under § 1.51(c)(1) during the pendency of the application will act to correct the earlier identification of inventorship."

1. This Amendment and Petition is to correct the incorrect original naming of inventor(s) in the Declaration under 37 C.F.R. § 1.48(a) as set forth and filed on November 30, 1998.

2. Please ☒ add ☐ delete the following Inventor(s):

Carol Y. Devine

12/16/2003 NDANTE1 00000081 132491 09159695

01 FC:1460 130.00 DA

12/16/2003 NDANTE1 00000081 132491 09159695

02 FC:1051 130.00 DA

3. Attached here with is:

- (a) A Statement Of Non-Deceptive Intent By Person Being Added/Deleted By Petition To Change Inventorship In Patent Application from each inventor being ☒ added ☐ deleted;
- (b) A Declaration executed by Inventors Barry, Chodoronek, James, Tusa and Devine (newly-added) as required by 37 C.F.R. § 1.63 (or as permitted by §§ 1.42, 1.43, OR 1.47). 37 C.F.R. § 1.48(a)(2) (see Exhibit D);
- (c) Written assent of the Assignee (if any of the original inventors executed an assignment) 37 C.F.R. § 1.48(a)(4);
- (d) ☐ Attached is an explanation of the facts, including the ownership of all the claim(s) being claimed in this application, including the ownership of all the claim(s) at the time the last claimed invention was made (Declaration of Inventorship and Common Ownership of Claims in Application). (Check the preceding item, if all the inventor(s) remaining after this petition and amendment is accepted are not the inventor(s) of the subject matter of all the claim(s) now being claimed.);
- (e) ☒ Also attached is the following:

Petition Under 37 CFR 1.47(a) for Inventors DeRose, Gonzales and Levy along with Exhibits A-D

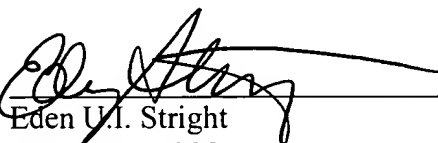
4. The Commissioner is hereby authorization to charge the amount of \$130.00 to Deposit Account No. 13-2491.

- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

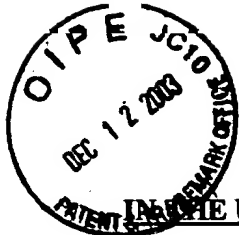
Respectfully submitted,

Date:

12/9/2008


Eden U.I. Stright
Reg. No. 51,205

WorldCom, Inc.
1133 19th Street NW
Washington, DC 20036
Tel: (202) 736-6008
Fax: (202) 736-6382



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Title: Integrated Business System for Web Based Telecommunication Management

ASSENT OF ASSIGNEE TO CORRECTION AND/OR ADDITION OF INVENTOR

Commissioner of Patents
PO Box 1450
Alexandria, VA 22313-1450

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Technology Center 2100

Sir:

The assignee of the above-noted patent application is:

WorldCom, Inc.
500 Clinton Center Drive
Clinton, MS 39056

The Assignment is:

☒ Recorded at Reel 009632 Frame 0315 on December 2, 1998.

☒ Name Change Recorded at Reel 012806 Frame 0528 on April 3, 2003

☐ Recorded concurrently herewith and copy of the Assignment and Recordation Cover Sheet are attached.

Assignee hereby assents to the correction of inventorship filed

☐ On _____.

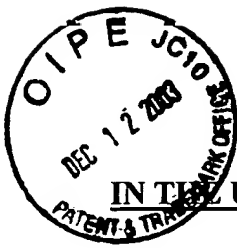
☒ Herewith.

The undersigned is authorized to act on behalf of the Assignee.

Date:

12/5/03

Robert A. Peterson
Vice President & Chief Technology Counsel
WorldCom, Inc.



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**STATEMENT OF NON-DECEPTIVE INTENT BY PERSON BEING ADDED BY
PETITION TO CHANGE INVENTORSHIP IN PATENT APPLICATION**

Commissioner of Patents
PO Box 1450
Alexandria, VA 22313-1450

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Technology Center 2100

Sir:

I, the person who is being added as an inventor by the petition being submitted to correct the inventorship of this patent application do hereby declare that the inventorship error in failing to include my name as an inventor on this patent application occurred without any deceptive intention on my part.

Respectfully submitted,

Date: 11/24/2003

Carol Y. Devine
Carol Y. Devine

WorldCom, Inc.
1133 19th Street NW
Washington, DC 20036